Statement-II

From 1.4.97 to 31.7.1997

Sanction Date : 29.7.1997

(Rs. in lakhs)

S.No.	Scheme Name	Agency Name	Project Cost	Loan Amt.
1.	Augmentation of W/s Scheme at Tirupati	A.P. Urban Fin. Infra. Dev. Corp.	6848.85	4812.01
2.	Impl. of U/G Sewerage System at Tirupati	-Do-	3722.27	2567.07
3.	Comp. Sewerage Sch. for Block III Guntur	Guntur Municipal Corporation	2658.00	1860.46
	Total		13229.12	9239.54

Delhi Apartment Ownership Act

3507. SHRI PRAMOD MAHAJAN :
SHRI SYDAIAH KOTA :

Will the Minister of URBAN AFFAIRS AND EMPLOYMENT be pleased to refer to reply given to Unstarred Question No. 2715 on March 12, 1997 regarding Delhi Apartment Ownership Act and state :

(a) the details of the "inherent lacunae" in the law for which the provisions of the Act could not be enforced since December 12, 1987;

(b) when the lacunae in the law came to the notice of the Government and the action taken to remedy the situation;

(c) whether the Government have examined the extent of loss caused to the exchequer due to non-payment of registration fee and stamp duty under the Act for the last ten years if so, the details thereof; and

(d) by when the Government propose to bring a new amended legislation?

THE MINISTER OF STATE OF THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT (DR. U. VENKATESWARLU) : (a) The Delhi Apartment Onwership Act, 1986 received the assent of the President on 23.12.86 and was published in the Gazette of India on the same day. The Administrator, i.e., the Lt. Governor of Delhi, by notification published in the Official Gazette of the Delhi Administration on 10.12.87, appointed 1.12.87 as the date from which the Act would come into force, and also appointing the Competent Authority under the Act.

However, immediately after the notification certain points relating to the appointment of a competent authority as provided in Section 3(m) of the Act were raised. The matter was considered and a view was taken that the definition of 'Competent Authority' needs to be amended, to enlarge the number of functionaries in view of the increasing number of apartment buildings coming up in the Capital City. It was felt that amendments were required due to growth of buildings with residential and commercial uses and the consequent need to provide for the security of an individual's title and effective management of undivided common interests and services. This also was required to be considered together with the requirement for regulating the activities of builders and estate agents effectively. Amendments to the Act were also necessitated due to the requirement of flat purchasers, for securing housing finance, by the mortgage of title. It was also felt that the provisions contained in several other sections of the existing Act, viz. Section 8,13,15 and 20 were not adequate. Moreover, in the absence of any penal provisions for non-compliance, there were doubts about the enforceability of the Act.

(b) This Ministry had set up a Working Group in June, 1988 to examine and work out modalities for speedy implementation of the said Act. This Working Group had held several meetings and had recommended modifications to several provisions. The infirmities in the Act coupled with the need to control the activities of builders gave rise to the need for considering comprehensive amendments to the existing Act. It was felt that instead of making a few amendments to the existing Act, it would be appropriate to draft a comprehensive legislation. Accordingly, a draft Bill was prepared and discussed with the Delhi Administration/ Delhi Development Authority and other concerned authorities/departments.

(c) Since the Delhi Apartment Ownership Act, 1986 could not be administered efficiently for the reasons indicated in part (a) above, a revised Bill is in the final stages of formulation. It is only after the revised Bill is implemented that the extent of revenue loss if any, could be judged.

(d) After completion of the formalities, the revised Bill will be introduced in Parliament.